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ABSTRACT

This paper reviews the history leading up to the presentation of the Comprehensive Child Development Act of 1971, its passage in Congress, and the reasons it was ultimately vetoed. The Act, commonly known as Mondale-Brademas, was designed to establish a comprehensive system of child care. The welfare situation was an important part of the history of the act, since child-care legislation would alleviate welfare problems by allowing mothers to work and by providing quality care for children. Another historical impact on the bill was the civil rights movement and the 1960's social clamor to provide services to disadvantaged minorities. The bill passed the senate hearings, but was intensely debated in the House of Representatives where it was amended (The Perkins Amendment). The amendment cut the minimum prime sponsor level from 100,000 to 10,000. It was backed by a coalition of liberals, those with a history in the categorical problems of the 1960's and those from rural states. At this point the bill lost the support of many who were in favor of comprehensive child care. President Richard Nixon vetoed the bill. Some of the reasons why the bill died included politics, power, funding, and morality issues. (Author/AM)

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THE POLITICS OF DAYCARE: THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1971

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ABSTRACT

To understand the prospects for future legislation providing for child care, it must first be understood that a concern for children is but one of the concerns that motivates child-care legislation--and certainly not the most important. It was not the most important motivation behind the Comprehensive Child Development Act of 1971, nor did the concern prevent the veto of that act. This paper will look at the history leading to the presentation of the bill, its passage in the Congress, and the reasons it was ultimately vetoed. It will try to expose some of the potentialities for politics, power, morality, interest, personality, etc. as revealed in the life of this bill.

THE POLITICS OF DAY CARE: THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1971

Introduction: S-1512

The Comprehensive Child Development Act of 1971 (commonly known as Mondale-Brademas) was intended to establish a comprehensive system of child care. This system based on family participation and developmental psychology, stressed a child-centeredness remarkable for a country often characterized by its ambivalence toward children. The Ninety-second Congress of the United States found that:

> (1) millions of American children are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;
>
> (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available as a matter of right to all children regardless of economic, social, and family background;
>
> (3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;
>
> (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and,
>
> (5) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and local government.

"It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through

Head Start and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development, and to establish the legislative framework for the future expansion of such programs to universally available child development services."

The cynic might find this statement of purpose to be but words; this is not the case. The words of purpose are realized in the mechanism of the bill. That the mechanism was debated more than its purpose may speak as much to its well meant purpose as to its political irrelevance. It may seem remarkable that a bill with this preamble could have passed a congress of this country, but it did pass, though the Comprehensive Child Development Act of 1971 was not signed into law. It was vetoed by President Nixon in a message remarkable for its concentrated anger. This paper will look at the Comprehensive Child Development Act of 1971, considering the history leading to the presentation of the bill, the policy development problems it encountered in Congress, and the reasons it was ultimately vetoed.

In the near future, a new round of child-care bills are to be reported out of sub-committee. There may be something to be learned concerning the future enactment of such bills by examining the history of child care legislation; legislation remarkable in its passing, but equally remarkable in its not having passed before.

The Comprehensive Child Development Act of 1971 had a straightforward congressional history. A. Sidney Johnson III, professional staff member of the Senate Sub-Committee on Children and Youth speaks of S-1512, the Senate version of the bill:

> There were two bills. The first bill on child development, a simple bill which Senator Mondale introduced in 1969, was called the Head Start Child Development Act. There were three days of hearings on Mondale's proposal. It would have taken the Head Start program increased involvement of the nonpoor to make it possible to extend applicability to earlier ages and later follow through in the school system. In a very simple way then, it said that preschool years are important and need more emphasis. And there are ways that Head Start can be made more effective beyond the needs of those the most severely deprived.
>
> Early the next year, Congressman Brademas introduced a more complex bill, which had twelve to fifteen days of hearings and dealt specifically with things that the Mondale bill did not. The House committee threw a lot of work into the delivery system and moved the bill considerably.

Welfare as Child-Care

S-1512, both an extension of and a response to the original Brademas Bill, was first introduced in the Senate. There were, however, still other bills in earlier stages of development whose growth and history were thwarted by the appearance of S-1512. The most important of these bills included a Republican measure of Senator Jacob Javits with a day-care section of the Administration's Family Assistance Plan. The Family Assistance Plan (FAP) was an answer to the welfare crisis by replacing diverse and stigmatizing welfare payments with either a guaranteed income or a negative income tax. As such, FAP represented a radical new approach to the poverty problem, which had been a major concern of both the Johnson and the Kennedy Administrations. Part of FAP was a work incentive program in a day-care center that would allow mothers to train for and seek employment.

The connection between child care and welfare does not seem immediately obvious. Nonetheless, that connection exists and provides the raison d'être for child-care programs. Aid to Families with Dependent Children (AFDC) is the most resented and the most costly of our welfare programs. The necessity for a connection between child care and welfare is made plain by the title of the act. Children are dependent upon the family; they are not conceived of as being dependent on the public nor the state. The dilemma is that AFDC has been said to encourage the dissolution of the family: Families can make out better by claiming a missing father and then getting money from both him and from AFDC. Poor families with fathers are able to support children primarily by entrusting the child-care services to the mother, in order to free the father to work. The drain on the single parent--most frequently the mother--is also quite real. In that case, the mother is forced to both raise her children and win the family bread. The task is, to say the least, difficult. Child care comes in by subsidizing parental child-care functions, freeing the mother to work. An obvious solution to this dilemma would be to subsidize income and allow the mother to stay at home. Possibly the best solution would be to give the mother a choice between subsidized child care or income supplementation. Here the connection between child care and welfare becomes apparent.

In 1969 the average monthly number of welfare recipients on AFDC was more than 6.7 million, accounting for a total expenditure of over $3 billion. In the 1960s the strategy for dealing with these families included neither subsidized child care nor income supplementation, instead it provided services designed to either assist in the performance of child care or of employment.

Patrick Moynihan, who worked on the FAP strategy, said that the effect of welfare could be seen as taking money from the poor to pay a middle-class social worker. These social workers have many functions, from nutritional guidance to securing legal services, and it is hard to tell what did them good, and what did their clients good. Such services were delivered in an effort to get people off the welfare roles, for welfare has only been accepted in this country as a temporary institution. But by 1967, it was clear to the House Ways and Means Committee that these services were not effective in reducing the welfare roles. On the contrary, there were more people getting AFDC payments in 1967 than in 1963. It was further noted that most of the adults involved in AFDC were mothers. Thus, if one extended the definition of the potential worker to include women involved with dependent children, one would increase markedly the number of people who potentially could be taken off welfare, and child care would thus be a tool allowing for the participation of mothers in the work force. Needless to say, a program of child care so conceived would have special and unusual characteristics, and needless to say, a child-care program so conceived was politically attractive and justifiable. This, in fact, was the ancestry of the Brademas Bill when it first came to the House.

Clearly, there are different strategies for dealing with the welfare and child-care problem. Child-care legislation is one; the strategy of the Family Assistance Plan is another. Services in which child care can be seen in a more inclusive type service had been and was to continue to be the aim of legislation. Child-care legislation alleviates welfare situations then by:

(1). Expanding the definition of potential workers to include mothers. By subsidizing child-care functions, one could train mothers to secure jobs and later free mothers to maintain employment.

(2). Providing more reasonable conditions for raising children, since it would be done by middle-class "experts" instead of working-class families.

After all, it has been said that a mother who can't manage herself can hardly be expected to manage a child.

The quality of child care was less important than the fact of its existence, enabling mothers to work. Unimportant was the delivery system or community involvement, both extrinsic, if not antithetical to welfare-oriented day care.

Civil Rights as Child Care

The welfare experience, then, was an important part of the history of the Comprehensive Child Development Act. But if welfare was considered one parent of the Mondale-Brademas Bill, the other parent was civil rights. The civil rights movement, starting in the early 1960s left many legacies. Certainly among these legacies were the programs of the Great Society. Lyndon Johnson submitted to the Congress a wide variety of categorical programs designed to cope with the problems of racism and poverty. This federal intervention had a precedent for those in the civil rights movement. In the earliest days of that movement, the federal government was appealed to over and against state and local governments. Although the federal government often was a dubious ally, the tactic of playing off federal against state and local government was initially effective. The categorical programs of the Great Society. in large part, created parallel structures particularly through the

Office of Economic Opportunity (OEO). As the 1960s unfolded, a program originally funded through OEO, Head Start, tackled many of the issues in practice that other agencies were still debating in theory. Head Start and the OEO Community Action Programs, involved the "maximum feasible participation of the poor." Thus, the 1960s developed a tradition of dealing with local problems, with local units funded through federal resources, operating with power bases which challenged surrounding boards of education, cities and states. This sort of action became a political tradition. People acting within this tradition were, as the decade drew to a close, frequently at pains to say that the strategies of those years might not have worked because of inadequate funding, or because of the obstruction of local units of government. The overall strategy was sound. The people from the community programs of the 1960s prided themselves on their closeness to the grass roots, and were willing to bend government out of typical forms, and invent new forms to serve those who could not be served by more usual systems of government.

It was these people who read the original Brademas Bill and were shocked. The delivery system under Brademas would have destroyed community control, would have allowed racial homogeneity, would have created two classes of children and enforced separation. Further, the Brademas Bill was a definite threat to community control, to reasonable budgets and a capitulation to the power of states which had historically used their power to promote racial segregation. People acting within this tradition formed part of the coalition that formulated a response to the Brademas Bill. Also in this coalition were people who opposed the Family Assistance Plan, because of insufficient funding and a work requirement, inappropriate to a democracy. Opinions varied among the

diverse groups that made up the coalition, but their central and unifying concerns were first for children, and second, for maintaining the form of politics defined by and during the 1960s.

This coalition virtually wrote the bill that was presented to the Senate as S-1512, and was also added as an amendment to the continuation of the OEO Act. This decision was tactical, related to producing Senate quorums, to sparking interest, and to becoming attached to a poverty bill that any President would have found difficult to veto. S-1512 was to be a continuation and a part of OEO and the war on poverty. Sid Johnson commented "The big issue in the Senate committee and on the floor itself was whether this child development act should be separate from the OEO extention, or part of it. Our position was that it was relevant to OEO because it built on the Head Start experience and also because OEO was certain to pass." The words, "our position was that it was relevant to OEO," defined the nature of child care as compatible with and intrinsic to that governmental agency.

However, at this time OEO was under attack. John Scales, the ranking minority staff member with Johnson, remarked, "Attaching child care to OEO is like attaching a Mack truck to a bicycle." If this was true, then tactically it was not a wise decision to attach S-1512 to OEO. But the logical considerations remain. It was a continuation of OEO and further, a continuation with much attraction. The interests behind the Comprehensive Child Development Act sought to protect OEO and perhaps did not realize the ease with which the whole war on poverty would later be dismantled. Further, making the act a continuation of OEO illuminated those aspects of S-1512 that made it a response to family assistance. Family assistance was correctly perceived as a frontal attack on the poverty war. The assumption may have been that preserving

OEO, and its outgrowths into child care meant fighting against family assistance and welfare-oriented child care. It is probable that no one foresaw that OEO would be decimated and FAP stalled.

The civil rights and categorical action aspects of the history of the Mondale-Brademas Bill were largely contributed by the outside coalition. In large part they were supported most vigorously by those congressmen who had voted for the original categorical systems of the 1960s. The fact that a private group could have had such important access to the government was a radical last testament to the openness of access, which was either a fact or an illusion of that decade. The system built up in the 1960s was being attacked not only by the Administration, and conservatives, but also by the new liberals of the 1970s, disillusioned by the legislative attempts of the past decade. Part of the impulse behind Mondale and S-1512 was thus aimed at keeping intact the 1960's style approaches and aims under a developing all-out attack. The Washington based coalition was comprised of the AFL-CIO, women's, children's, and welfare groups. Formed to respond to the Brademas Bill, the coalition held seven meetings and drafted a bill which, with a few exceptions, is S-1512. (As was mentioned earlier, the access of private people to government in such a forthright manner seems remarkable for an organization of this sort.) The uniqueness of the coalition was that it acted not only on behalf of less powerful interests but also on behalf of the interests that are perhaps the least powerful in this country--children. Of course, it did not write this bill only because of children; its motives were also to keep intact various approaches of the 1960s, to keep alive the civil rights attitudes that had illuminated American politics for a decade, and to foster the individual interest of those groups that made up the coalition.

The Mondale Connection and the Senate Floor

Why was Senator Mondale so eager to endorse and push a bill authored by another interest group with virtually no change? Part of the answer was given by a staff member:

> For one thing the bill submitted by the coalition was a realization of some of the best thought and talent on the subject of day care in Washington at that time. Then Mondale perceived it to have made his original bill practical, in precisely those ways in which the Brademas Bill was practical.

Thus, in answering what the coalition saw as the imbalances of the Brademas Bill, positive proposals concerning delivery systems were made. Further, Mondale accepted the bill because it was supported by an influencial group of lobbyists. But the work of the coalition was secondary for most of these lobbies and did not spring out of any intense agitation by the groups behind them.

Thus, Mondale was supplied with a bill for which he did not have to seek initial support, a gratefully accepted contribution; bills presented by congressmen usually do not have the means of generating the same support as Presidential bills. (In fact, there probably have been few if any pieces of social legislation passed in the last two decades on the instigation of Congress.) Further, the coalition was willing to push the bill, with the capability of exerting enormous pressure. The lobbying that followed S-1512's introduction into the Senate and the House was reported to have been the most intense and impressive since the 1964 Civil Rights Act.

But it should not be thought that Mondale's presentation of another author's bill was a matter of politics over principle. The usual case with politics is that the two coincide. As Sid Johnson explains,

> The fact is that the bill on its merits reflects the kinds of initiatives that we have already taken and already believed in, so we didn't have a tough choice. We didn't have to swallow hard and say we can't have local programs with quality which involves parents...but it is worth giving up on that because here is a bill that is really going to move. We didn't have that choice. There was no fundamental difference in philosophy.

Mondale accepted the bill because it was, basically the bill that he would have written, and it had a base of support unique for congressionally introduced bills. Further, the bill was impressive to Mondale and soon to be impressive to others by virtue of its comprehensiveness, thoughtfulness, and clarity.

Mondale did make some minor modifications; perhaps the most significant were concerned with appropriations. But while the bill drafted by the coalition agreed with Mondale's philosophy, it was peculiarly political, and represented some of the most advanced and coherent thought on child care in the country. One must look still further for an explanation of Mondale's eagerness to embrace child care. Indeed, Mondale had a long history of interest in child care. He had drafted an early child-care bill in 1961. Why this interest? The answer appears two-fold. First, it is a necessity for any politician to select issues at which he can become known. One senator is distinguished from another by the publicity he receives from identifying with an issue. Child care, despite the fact that children have no power (perhaps in part <u>because</u> they have no power), was a natural. A second and purely political reason was Mondale's interest in becoming a potential presidential candidate. His search for issues became the search for a political future. But e[illegible]ch the search for a future was the realization of a past; coeval [illegible]ics was belief. Mondale was from a poor family. His later [illegible] with the precariousness of childhood stemmed

not only from political exigency but also from a biographical imperative. Finally, Mondale was among those senators involved in the Great Society strategy of the 1960s. His involvement was different than the civil rights groups and the rest of the coalition--his name and his time were attached to much of the legislation of the 1960s.

All these things considered, it is not that surprising that the Mondale Sub-Committee on Children and Youth adopted and sent to the Senate a bill labeled S-1512. The bill moved from sub-committee to committee, then to the floor of the Senate with remarkably little damage to its measures and prospects of passage. As is frequently the case in congressional deliberations, questions of principle become questions of technique.

The debate in the Senate and to a larger extent the debate formed in the House focused primarily on the technique of the delivery system (should it be administered through state and local government or through the agency of "prime sponsorship"), the fee structure, and the population eligible to benefit from the legislation. This debate on technique most frequently was a debate about very deep principle. It is the nature of law-making to translate principle into technique. It is perhaps a draw-back of our Congress that before this is done, sufficient debate is not given to principle; but on the other hand, principle without specific technique or implementation is frequently useless.

But even before the Congressional debates there were concerns for technique: should S-1512 be introduced as a separate bill or as an amendment--and if an amendment, an amendment to what? The possibility of deliberation of the Child Development Bill on its own could not seen to be the best. Further, there were questions of forums and questions

of linking S-1512 to a strategy of legislation of the 1960s. In terms of technique, it seemed that making the Comprehensive Child Development Act an amendment to the continuance of OEO legislation was sound strategy to insure passage, though Republicans, like Senator Javits, who were more in tune with the Administration, seemed to want to have the bill stand on its own merit. But in large measure, this question of technique was seen as an attempt to kill the bill. S-1512 was attached to the OEO Act not only as a political tactic but also as a matter of political ideology. S-1512 was set out in the context of OEO. The point here is that since child development was considered part of OEO, there was no attempt made to forge a new coalition about the issue. Coalitions based in the Great Society were picked up and strengthened. Although this strategy certainly worked in the Congress, it perhaps was not the best means of protecting the bill from White House veto. On the other hand, many of those who supported the bill thought that, because of its child-centered characteristics, it was absolutely essential that the bill be immersed in the context of parental control, alternative power structures and the legislative history that corresponded to these realities. It was a very deliberate decision and its correctness cannot be measured by the success of the bill in Congress nor the subsequent veto. Also to be considered was the question of what a child development bill enacted without this context would have meant. There were those, particularly in the House, who lamented the strategy, who said that such a child development bill unattached to OEO legislation and further unattached to any sort of OEO principles would have in fact passed. To this, the strongest proponents of S-1512 argue that it may in fact have passed but it would have been worth very little. It

does in retrospect seem that the White House saw the bill as an extention of OEO in part because it literally was an amendment to OEO and that since OEO was being dismantled, the bill would be attacked. Further, as the bill was put in this context, it was an affront if not an actual threat to the administration's family assistance proposals still being formulated.

Hearings in committee magnified the wide spectrum of support for the Child Development Act. To some extent, this was deceptive since one of the purposes and functions of the committee hearings was to generate support. Such hearings call as witnesses those who are inclined to be agreeable to a bill, but more than that, hearings are particularly important for bills that originate in Congress, since there is no Presidential forum from which to generate public support. It is at this stage that the media first find out about intended legislation and hopefully, through favorable coverage, the information and opinions are disseminated to the public.

However, the hearings for S-1512 were not adequate, as far as support-generating measures. They, like the coalition and like the bill itself, reassembled old "blueprints". It may have been that, given the fate of the bill, a more reasonable support-generating strategy would have been to hold field hearings, but nobody at that time seemed to realize the difficulty that S-1512 would have with the White House.

S-1512 was reported out-of-committee with few changes, and those affected the duration and the amount of authorization--namely, the four-year, $13 billion provision changed to a two-year $2 billion authorization. At this point there were attempts to insert sponsorship, to increase state involvement and to decrease parental involvement. In the Senate, these changes were resisted easily. Depending on one's point of view and place of action, attempts to neutralize the bill, render

it more responsible, or give it a higher chance of passage and acceptance by the White House were defeated.

Impressions at the time were that chances for the bill in the Senate were excellent with its influential and bipartisan support; the Republican cosponsors were the powerful Senators Javits and Schweiker; its liberal support was solid; and it was being pushed from outside the Congress by thoroughly organized lobby groups.

Out-of-committee attempts were made to recommit it to reduce the fee schedule, and to change the cut-off point from $6900 to $4320. These were all defeated in the Senate, but were to become issues in the House. In the Senate, however, S-1512 was a finely designed steam-roller coming out of nowhere and clearing all obstacles before it.

Why did S-1512 pass the Senate virtually intact and so easily? That AFDC had become perceived as intolerable would still not account for this form of child-care legislation marked by parent control and child centeredness. That women may have wanted a chance to enter the work force does not explain the eloquence or the comprehensiveness of S-1512. If child care's time had come, whatever that might mean, it says nothing about why child care should have come wearing S-1512 instead of other clothes. If it was important for Mondale to have an issue, it does not explain why Congress should have embraced the same issue. That the bill may have been just does not explain why it was politic.

A large part of the answer to this question appears simple. First, in a fight where the best measure wins, the Comprehensive Child Development Act of 1971 was alone in the arena. The earlier Mondale Bill had been incomplete; the Brademas Bill was more complete, but politically

troublesome and not viable; the Javits Bill was but a rumor; the child-care provisions of the yet to arrive FAP program were not even a rumor. S-1512 passed so easily, it proved so eminently politic because it was the only thorough and competent bill the Senate had before it. Voting against S-1512 would have been a vote against children, politically an unwise thing to do since there were no other counterbills which could be voted for; so that the question was not for or against children, but for or against this way of helping children. It is not surprising that amendments to S-1512 were tried, for amendments would have made S-1512 more like an opposing bill.

S-1512 passed then because it was such an excellent bill in an arena with no competition due to historical accident. A second part of the answer relating to why S-1512 passed the Senate intact was the intense and competent lobbying job done on behalf of the measure. Lobbying was made easier by having a narrowly based coalition in Washington with high maneuverability. Though this basis was a hindrance in the face of a Presidential veto. It can also be argued that the very thing that coinsured passage, the knowledge and competence and "aloneness" of S-1512, also made it vulnerable to a veto.

Principle as Technicality: The House Debate

Debate in the House was more intense. The counter arguments to comprehensive child development were beginning to achieve coherency and substance. To be sure they were still no match for the thought behind comprehensive child development, but they were much more of a match than had been the case in the Senate debate. Those alternatives to the Comprehensive Child Development Act, in which there was still

strong interest (primarily FAP), were realizing more status and ability to enter into the argument, if only by proxy.

Questions of principle masqueraded behind questions of technique. The two important questions of technique, crucial for principle, debated in the House were population cutoff and fee schedule. The House bill was delivered from committee with a population cutoff of 100,000--a figure high enough to achieve Republican support in committee. It meant that OEO-type community corporations based in small neighborhoods could not receive funds. Put in less neutral terms, a figure of 100,000 meant that there were very few challenging power blocks larger than 100,000 and therefore a bill in this form would not present a challenge to the existing power system. Further, and not unimportantly, the 100,000 figure meant that money would go to reasonably large units of government excluding rural towns. This was to mean that congressmen from rural districts would oppose the 100,000 cutoff figure as well as those who believe in community control.

Most bills appropriate resources, that is, money for the achievement of some goal. Having answered the question of how much money to do what, it is reasonable to ask who should be doing it. This question is moot in cases where there are pre-existing units in a position to receive and spend money, such as assistance to schools, defense, revenue sharing, etc. But in those cases where there is no pre-existing unit, the question becomes alive and important. For instance, with child care, when money is to be distributed to the school system, it is significant to know whether it is to be reimburred by voucher to families with children or given in the form of increased allowance directly to the children.

These alternatives and the nature of the recipient group affect radically the nature of child care. The drafters of the Comprehensive Child Development Act were quite aware of that. They included in the bill a delivery mechanism as consonant as they could design to the statement on purpose. The mechanism used was that of a series of options for prime sponsorship. Sec.-515 defined eligibility:

> The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:
> (1) any State;
> (2) any locality
> (A) which is a city; or,
> (B) which is a county or other unit of general local government and which the Secretary determines has general powers substantially similar to those of a city;
> (3) any combination of localities;
> (4) a federally recognized Indian reservation; or,
> (5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single purpose Head Start agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest. . . .

The wide eligibility, as defined in the following sections was indeed part of the intent of the bill. The requirements for being a prime sponsor are spelled out in the sections following. Now imagine what happens to this eligibility list if the figure of 100,000 is placed on it. Permitted are states, localities which are large cities or counties and combinations of localities. Not permitted are Indian reservations, nonprofit agencies, single prupose Head Start agencies, humanity corporations, parent cooperatives, migrant organizations, many,

if not most, labor unions, existing organizations of Indians, most employers of working mothers, most public and private educational institutions--the whole thrust of the bill is changed. Those who wanted a minimum prime sponsor level of 100,000 were really saying that they wanted money to go through established channels of power and that these channels of power had to be reasonably large, ostensibly to insure administrative efficiency, but not coincidentally because the existing units of power tend to be larger than 100,000. The original impetus behind this bill--to emphasize community control, parental involvement and decentralization--is thwarted.

The bill reached the floor of the House with the population cut off of 100,000. (In the Senate, Taft had failed in committee to introduce a similar amendment.) Even 100,000 is not simply a quantitative increase over a prime sponsorship requirement of zero; the zero level allows for maximum flexibility of prime sponsorship. Any number above zero diminished that flexibility. There was a bitterly contested fight over the size of the potential recipients. Each side in this fight was quite aware of what the stakes were--and the stakes were not just numbers. Congressman Perkins offered an amendment reducing the 100,000 figure to 10,000. The amendment was supported by those people who felt that child care could only be offered in a reasonable manner by units small enough to directly involve parents and communities; it was further supported by those from rural sections who would have lost money had the prime sponsorship level been set at the higher figure. Thus, the coalition for the Perkins amendment included liberals, those with a history in the categorical programs of the 1960s, and those from rural states, with conservatives, committed to the administration, opposing.

The day the Perkins' Amendment came to a vote was tense for those closely connected with the bill. Pro-Perkins lobbyists had fervent hopes that the legislation would pass since the prospects for House approval were less optimistic than was the case in the Senate.

The Perkins Amendment sparked a bitter fight, which cost a considerable amount of support, but it passed, not overwhelmingly, but neither did it just squeeze through.

It is to this single event that some attribute the ultimate veto of the bill. For it is at this point that the bill lost the support of those who may have been in favor of child care but who worried lest the delivery system prove yet another threat to existing power structures. Those close to the Administration abandoned the flexibility that would have allowed the HEW Secretary to combine child development with other programs the Administration may have had in mind. The higher figure on the delivery system would have vastly simplified delivery and made the bill more appealing to the secretary, then Elliot Richardson.

With the passage of the Perkins Amendment, the House version lost virtually all of its Republican support. Many House Republicans claim that the President would have signed a different child-care bill. They conclude that this bill in its present form would foster an obnoxious type of child care, which had to be stopped even if it meant eliminating the good with the bad. At this point many moderates who had previously supported the bill walked out, then Brademas, sponsor of the original bill, dropped from and was dropped by Perkins from the conference committee. At the same time, the margin of the bill's passage

was dramatically reduced, but it did pass, 186 to 183. The argument can and has been made that had the bill passed by a much larger margin, including moderates and some conservatives, it would have had more pull with the President. On the other hand, passage of the bill with such a narrow margin meant that it would have trouble getting adequate appropriations. A question apart from that of authorization would have been considered by the House Ways and Means Committee. The 10,000 figure was also significant in that it was close enough in terms of numbers to the zero figure of the Senate to preclude any meaningful bargaining in conference, but far enough from the original intent of the Senate (by imposing a population figure on prime sponsorship) so as to vitiate any meaning in terms of delivery systems.

The size of sponsoring units cut off was one of two important figures that were debated in the House. The other figure was $4,320, the proposed income cut-off figure beyond which one would not be eligible for free child care and, coincidentally the cut-off figure which had emerged in administration discussions of FAP, which as mentioned had as one of its provisions, child care. Although the $4,320 figure in Mondale-Brademas would not have made the competition for sales any less, it would have made Mondale-Brademas entirely compatible with FAP. The figure of $4,320 had not been agreed on in the Senate. John Scales said that this was ". . . because of the Administration's general reluctance during that period to accept fully the idea of legislation at all." The White House was very much opposed to any child development legislation. But HEW was valiantly trying to work out legislation that would meet the requirements of eligibility, delivery systems, etc. There was concern that the passage of child development legislation might undermine support for the Family Assistance

Plan. To meet that, Congressman Quie made it clear that the Comprehensive Child Development Act would focus on children generally and that attention to low-income people was primarily through the Head Start program. It seems that the confrontation of the $4,320 figure, although mentioned in the Senate, was not realized there because the bill was at that point not all that visible to the Administration. In the Senate, it was Javits who sounded out the Administration at the White House. Scales continues: "Republicans as well as Democrats joined together in a letter to the President indicating their continued support for the basic concept of the Family Assistance Plan." The point is that it is premature to try to coordinate a bill with the Administration early in its legislative history . Until a bill has reached a certain point, it is not worthy of administrative, not to say White House, concern. Further, if bills were designed exclusively with an eye to making them compatible with Administration policies, there would be little room for maneuvering and bargaining later on. The time for this coordination is later; its place is frequently in conference committee.

But by the time the bill was discussed in the House, it was live enough to the Administration for $4,320 to have become an important issue. Secretary Richardson indicated that with the attachment of the $4,320 figure, the bill would have clear sailing. But Richardson and the White House were two different concerns. In retrospect, Richardson spoke only for himself and HEW, not for the President. The figure of $4,320 was agreed on in the House and was one of the differences between the House and the Senate versions of the bill as the bill went to conference. As important as the $4,320 figure may have been in

making the bill compatible with the Administration, it did not cause the same controversy in the House as did the population cut off.

Congressman Brademas, who possibly knew more about child care than anyone else in the House, was barred from the conference committee by an angry Congressman Perkins. Congressman Quie had angrily disassociated himself from the bill over the population cut off. In fact, many House members disassociated themselves from the bill and were not above showing their displeasure with it.

They All Get Together

For the Comprehensive Child Development Act, conference committee was a moment of truth. Conference is the institution devised to reconcile the differences between the House and the Senate. But this bi-camaral mechanism does more. It is in conference that final negotiations are made with public support and, most importantly, it is in conference that a bill is brokered with the Administration and the White House. Brokering implies flexibility. A bill in conference is limited on the one hand by the decisions of the House and on the other hand by the decisions of the Senate. In this case, the House and Senate versions of the bill were so similar that there was precious little room for bargaining with the Administration.

Before the point of conference, the Administration cannot be expected to be intimate with a bill. It is only after passage or when chances of passage seem assured that full attention is warranted. This point is perceived by congressmen as crucial too. It is in conference that full attention is given to the input of the administration, the White House, that possibilities of a veto are seriously weighed and one force is

played off against the other in a three-corner bargaining situation: House, Senate, and White House. Quite frequently, White House and Administration are the same thing. In the case of the Nixon White House they were not; neither Congress nor HEW understood this. Therefore, support of the child development bill by HEW and by Richardson was used against those in Congress who would have diminished and made stricter provisions in the legislation. It was not realized, however, that these people in Congress may have been closer in feeling to the President than the Administration. Additionally, HEW housed the Office of Child Development, an institution with much interest, bureaucratic and legitimate and bureaucratic and principled, in the passage of child development legislation.

In addition to not knowing White House thought through HEW's feeling, there was the problem of having very little bargaining leeway, since both the House and Senate versions of the bill were virtually identical. This fact would be relevant if one believed that provisions for community control, equal opportunity, child centeredness, and economic integration were important enough that bargaining them away, meant the bill was not worth saving. The lack of bargaining power would be a problem if one thought these provisions of the bill not vital, compared with the emerging real option of having no bill at all.

The first reality of conference in regards to the Mondale-Brademas Bill is that there was very little room for compromise, the House and Senate versions being virtually identical. There were, however, some differences. The Perkins Amendment, although it reduced prime sponsorship levels to 10,000, still did not reduce them to the zero figure necessary for the mechanism of prime sponsorship to be truly effective. So one could compromise between the zero and 10,000; these were the constraints. Resourcefully, the figure decided upon was 5,000. 5,000 had

few virtues to recommend it. It was too large for community control, too small to insure a lack of conflict with traditional interest. What it did have was the Aristotilian virtue of being the perfect mean between zero and 10,000; what more logical place to compromise?

The conference mechanism, however, does play a more crucial role than its prescribed billing as reconcilor of Senate-House differences. It is in conference that compromises are made between congressional versions of bills and the desires of the Administration and White House. These compromises are frequently not made earlier because the Administration and the White House must have a good idea of the content and intent of the bill before they act on it. On the Congressional side compromises are not made earlier because it would hamper one's efforts incredibly to tailor a bill to the presumed restrictions on Administration. This is sometimes done if one isn't particularly sure of firm support. In the case of the Child Development Act, this generally was not done, although there were open channels between Republicans and House and Senate, and the Administration in the White House while the bill was in Congress.

The potential for compromise between the Congress and the Administration in the White House depends upon two things. First, it depends upon having the leeway to compromise. This is to say, that if the White House wanted a high figure in the prime sponsorship, and given that would agree to everything else in the bill, there still was no room for compromise because by the rules of conference, one could not go for a figure higher than 10,000. Compromise between Congress and the White House is not necessary in the case of White House bills where presumably one knows what the White House wants when one starts off. But in the case of Congressionally sponsored bills, it is necessary for compromise simply did not exist in the case of the Comprehensive Child Development Act.

The second thing upon which the conference depends when compromise is necessary is solid lines of communication between the White House and the Administration. Further, the Administration must have the authority to speak for the White House. In this case, one had to trust that Richardson was speaking for the White House as well as for himself when he consented to the bill. The Comprehensive Child Development Act was one of its first casualties.

In conference the figure $4,320 was made part of the fee schedule when Richardson spoke with Senator Javits and Congressman Reid, noting the acceptability of the bill. With such assurances, conference liberals (as was the case earlier in the House) were willing to play the Administration off against conservative colleagues. There was a certain amount of anger generated between supporters and opponents of the bill; assured of administration (and with that White House) backing, supporters of the bill were not inclined to placate conservative opponents. It is thought by some that these conservative opponents went directly to the White House. That seems improbable. Nonetheless, the thought is worth bearing in mind, for it indicates what has been done to conservative opponents. At this point, the supporters of the Mondale-Brademas Bill ignored the most elementary, political precepts: Once you have won, insofar as it is possible, make your opponent feel that he has won too.

The Lack of Connection and the White House Floor

Richardson initially told the conference that he would support the bill. Ten days later, after some White House influence, he said he had not considered various aspects. Before his second revelation supporters of the bill, elated over its passage, were quite confident that it would pass

without a veto. In that day, vetos were not yet a matter of course. After its ratification by the House and the Senate, supporters heard the first hint of a possible veto. There was feverish activity to muster grass-root support to bring pressure on the President. But there had been no organization of the grass roots; the lobbying effort had been a Washington based effort; the hearings had not been field hearings but Washington hearings. (The bill had not been an Administration bill, yet received the exposure which an Administration bill receives.) It is, of course, quite possible that grass-root support telegraphed to the White House would have made no deference at this point. But the issue is moot because there was no grass-root support to be organized. The very things which had made this bill succeed in Congress--a compact, mobile, Washington-based lobby, lack of grass-root input, a dearth of opposition bills--all of these things, having secured the passage of the bill, equally insured its vulnerability to veto. Cabinet members who were slowly losing communication with the White House did not have the authority that they had once had. Communications between Congress and the Cabinet had been useful for sounding out potential White House approval. It is not that there were no communications between Richardson and the White House; rather, there seemed to have been a difference between word and deed. Richardson did think that he had White House approval for the bill; additionally, he was being pressured from within HEW, especially by the Office of Child Development, both of which had a bureaucracy more liberal than the President, to whom they were ultimately accountable. The disrupted communications between the White House and HEW disrupted communication between the Congress and the White House. It is probable that the White House monopolized on this lack of communication to gain more manueverability.

Obviously, such a strategy depends on the belief that communication is binding by the other parties involved. The belief, by now, had changed.

It seems likely that Nixon indicated to Richardson that the bill was not disapproved of to the extent of a veto--either the White House was being disingenuous with Richardson, or the Administration did not look upon its talk as binding. Nixon, through Richardson's agency, spoke approvingly of the bill until seven days before the veto. Then, given the communication between Richardson and the White House, one might suspect that the veto was a response to something last minute, new input.

It is also probable that the White House veto was engineered by John Erlichman, who had just become domestic council. It is also quite possible that the veto was part of a move to consolidate his power against other powers in the domestic arena, perhaps particularly Richardson. If there were other possible reasons for a veto it would have been to Erlichman's interest to make a strong case for them. Erlichman might have been such a new source, such a new input. Needless to say, the internal power configurations within the White House had little to do with the interests of American children. They had a lot to do with politics.

At this point, too, Richard Nixon was under potential attack from the conservative Congressman Ashbrook, the anti-Nixon candidate in the New Hampshire primary. Innuendo that the bill would "sovietize" American children, and points made in conservative newspaper columns and magazines made a veto of the Comprehensive Child Development Act a very political act for one hoping to appease Nixon's right-wing critics. No doubt the veto had something to do with this; it is certain that the strength of

the veto message had a lot to do with Nixon's conservative opposition. But it may well be that Erlichman, instead of forcing Nixon into a veto which he did not want, or did not care about, gave the President political ammunition to veto something which he would be inclined to veto on principle.

Foreign policy had its role to play as well. Nixon was planning his trips to China and the Soviet Union. Peace with honor in Viet Nam, honorable though it might not have been was nonetheless peace. The Strategic Arms Limitations talks were very important too, but the most immediate of all these inputs was the voyage to China, before this a taboo in American politics.

A veto message was politically in order in view of the popular response that Nixon was receiving radically opposing child care--over 100,000 letters. Nixon was surely right in saying that a piece of legislation as significant as child development should not pass without a national hearing. It was the nature of the Comprehensive Child Development Act and the way it was lobbied that it burst on the scene without such a hearing.

Part of Nixon's message called the bill fiscally irresponsible, and, considering the structure of the budget, this may well have been the situation. On the other hand, an aide on the Hill points out, "I don't think the President uses authorization figures to veto a bill, but rather justifies vetoes for other reasons. Authorization does not mean appropriation. Most human service programs never get funding; the hope was that bringing the nonpoor into the Comprehensive Child Development Act would provide a better opportunity for some appropriation. Perhaps that scared the Administration. I believe that that is what lead to the $4,320 cutoff. I think the Administration understood that you can destroy a program by

isolating its constituency into a powerless base." But at any rate authorization does not mean appropriation unless known by all concerned Bills are just not vetoed because of the size of their appropriation. No doubt, this is true. Bills are also not funded to the levels of their appropriation anyway.

The rhetoric of the veto message carefully framed by Moynihan, according to some, stressed the American family and saw this bill as an attack on that family. In so doing, the President did not consider that those funding the proposed legislation tried to insure family involvement and constructed the bill as much in consonance with this involvement as any bill could have been. There is little doubt that this sentiment about the family was sincere and Nixon was not alone in expressing it.

The veto message also noted the conflict between the Comprehensive Child Development Act of the Congress and the Family Assistance Plan of the White House. As mentioned earlier, child care and welfare are intimately related. Further, the sort of child care mentioned in the Comprehensive Child Development Act was related in turn to the categorical programs of the 1960s. The Family Assistance Plan, as an alternative to these categorical programs, was an alternative to the Comprehensive Child Development Act as well. That Richardson first agreed to the Comprehensive Child Development Act suggests once again that FAP's presence was an important part of the White House veto, since FAP was primarily a White House proposal. It did not have much input from HEW, and a lot of people at HEW were opposed to FAP.

It is no doubt true that family assistance and child development are logically compatible, but this ignores the incompatible context from which each program comes. One should not expect questions of intellectual compatibility to be worked out in the governing processes of this country;

it is political compatibility that rules. Thus, many of the actions taken by our government strike one as bizarre and complex, though they are not. They are the natural outgrowth of a system operating according to certain rules. The simpler, more rational actions desired by many, are not consonant with this form of politics that comprehends the incompatibility of FAP with child development.

Both FAP and child care were expensive. They competed for scarce funds. They competed for advertising space, as child care would have been one of the selling points of FAP. They competed ideologically. Child care in the Comprehensive Child Development Act's context was the means of continuation and modification of the 1960s service strategy; in the 70s FAP context, an emerging strategy of "neo-conservatism" with federal intervention only up to the point of redistributing cash in the free market. Further, the issues hanging on FAP and child care went to the heart of government, having to do with control through existing channels versus control by parallel and competing power structures. Certainly the input of the National Governors' Conference, which occurred a short while before the presidential veto, must have been very important for that veto. For the Comprehensive Child Development Act was setting up challenges to state and national government at a time when such challenges could be shrugged off by the existing system of power, which had in a very important sense won the real nitty-gritty power issues of the 1960s.

Conclusion: Children Don't Count

The Comprehensive Child Development Act of 1971 died not with a whimper but with a bang. It had entered softly, few aware even of its existence; it created debate even as it went through Congress, and it was

vetoed in a moment of political passion and ultimate paternalism. Had its purpose been to raise the awareness of the American public about the issue of children and child care, it could be said to have succeeded--this was not its purpose. And the next time similar legislation is introduced, the strategy of surprise will succumb to more traditional politics.

What of FAP? That too, was defeated. According to Moynihan, it lost to a curious coalition of liberals and conservatives; according to others, it was never backed sufficiently by the President. To some it was a noble bill and experiment; to others it was a plan which would have forced people to work, and still given the family futilely small income supplements, and it setup a scheme by which categorical grants could have been eliminated. Both strategies have failed; and the "once upon a time" advocates of family assistance who wanted to collapse all programs into one large program, seeing the failure of such attempts, the increased welfare roles, and the increased need for child care, have become curiously conservative in this issue. Their current strategy is based on maximizing the amount of benefits under existing laws. The environment of the 1970s is indeed a different environment from that of the 1960s. It is an environment which will in turn shape the context, the possibilities, and the form of child care.

To understand the prospects for future legislation providing for child care it must be first understood that a concern for children is but one of the concerns that motivates child-care legislation--it frequently is not even the most important. It was not the most important motivation behind the Comprehensive Child Development Act, nor did the concern prevent the veto of that Act. It was not the most important concern in the Brademas Act which preceded it, nor the most important concern in Mondale's original act. The passage and veto of the Comprehensive Child Development Act of

1971 pivoted about other issues. One can expect that future child-care acts will also pivot around issues having little or nothing to do with children.

Historically, child care has been part of an overall strategy either permitting or encouraging women to work. From the start, the noblest experiments in the day nursery movement had as equally prideful provisions allowing mothers to work. This is evidenced clearly in the Lanham Act, which, during World War II, provided for child care while mothers were working in the factories. The Lanham Act is entirely consonant with poverty aims for child care--it is the poor children who are cared for, and poor mothers who work at the margins of the economy.

The current interest in child care did not spring from the wish of middle-class women to participate in the work force. Rather it started as a way to insure that poor women could labor at jobs the richer women would have disdained. Neither did child care sprout from women's liberation, but it did develop from the need to have poor women work--the government gets the benefit of their work as well as relief from the liability of welfare payments. This is the tradition of child care. Of course the Comprehensive Child Development Act may be seen as an effort to redress the imbalances, to switch from a welfare oriented child-care program to one with more of a concern for children and family. Nonetheless, even this act of necessity has appeal to the history of welfare legislation, to the immediate historical environment, and to the treatment of the female poor and their children. Child care can be seen as part of the larger debate on the proper role of government in this country. This will be the determining environment of child care in the near future. The liberal

sees government as playing a large role; the conservative sees government properly as retaining its small role.

In this context, the future of nonwelfare oriented child-care legislation appears dim. A consensus of the 1970s seems to be that inasmuch as the scope of governmental intervention should not be more limited than it was in the 1960s, that intervention should at least be of a different kind. This move, together with recession which will negate the reasons for sending poor women to work, should hinder child development legislation.

On the ideological side of the problem, the arena of proper government intervention seem to have shifted from its former location. The 1960s were times of social experiment; with memories that are legacies to some and were nightmares to others; times when more vigorous effort and directed money from governments insured progress in such programs as the Peace Corps, Head Start, Vista, Model Cities, Green Berets.

Today, it seems as if many of the political assumptions of the last decade's liberals have melted. If this is true, then it will be difficult to get the Mondale-Brademas type of legislation passed in the future. Those behind such legislation are not welded together by a set of beliefs. If such beliefs are lacking politically, they are also lacking as regards the issue of child development itself. With the publication of the Westinghouse study on Head Start, showing a lack in cognitive improvement after Head Start intervention, there began an erosion in the theory of what such intervention in the field of child development could effect. There were then two simultaneous erosions of belief, the one having to do with politics, the other having to do with theories of child intervention. Is it stretching one's mind too far to see these two as related? At

that level the problem is one of the desire to intervene when the strategies of intervention are lacking.

Speaking of the future of comprehensive child development, Gilbert Steiner says ". . . the time may be passed because of questioning that organized child development centers are seen as the single best way to insure maximum and local development. During this plastic period, that is no longer possible, and I don't believe that we are on the verge of a massive break-through. . . ." Both the lack of belief in a strategy of child development and concurrent doubts about strategies of government intervention are present among liberals. This hesitation is certainly perceived by conservatives who have quite other reasons to hesitate.

If men and women be the flesh of politics, and speech its nerves, then power is its blood. It is no surprise that the reallocations of power implicit in Mondale-Brademas should have horrified many a politician. The reallocation of power is very serious, very difficult to achieve and it rarely works. Both the civil rights movement and the Great Society found blacks and other poor people somewhat more power than they had before. Mondale-Brademas would have given power to local organizations of parents. It sought to evade existing power structures such as school systems, city government, and state government. This relocation of power usually argued the question of technique centering on the population cut-off as anything but the proper method and the people who argue it recognize that to be the case. Sometimes the relocation of power is not necessary to the substance of the bill. Continuation of programs is one example. Incremental programs, meaning incremental changes in power, is another. These two sorts of legislation account for most of the legislation in this country.

The argument can be made that a reasonable child-care program means control of parents, and racial and economic integration which is nonprejudicial to low-income groups, and necessarily involves community control. It can be argued that reallocation of power is a virtue by itself, and anything that permits its continuation is good; that was the case in the minds of some of the supporters of Mondale-Brademas. Should it turn out that child care was something commensurate with existing patterns of power, then child care should set a straight course and not rock the boat. All these questions are weighty and all informed the calculations of supporters and opponents of Mondale-Brademas. From one perspective it was impressions of power that caused the passage and subsequent veto of Mondale-Brademas.

None of the issues discussed in the past few pages has any intrinsic relationship to children. That is, children were simply irrelevant to the framing and fate of Mondale-Brademas, in the same way children will be irrelevant for future legislation in which they are involved. The truth and untruths of this statement must inform the thought surrounding and concerning the realization of projects for children.

What moves political action is considerably more complex than thinking that children are important enough to warrant political consideration, deciding to implement policy on behalf of children, and following through with political action to implement that policy; the connection of politics to policy is far richer than that. There are always many things to motivate a political actor. Only one of these things is an immediate concern for the issue at hand, and even this concern is frequently embedded in other issues such as ideology and concern for others represented.

But a partial list of the motivating concerns a political actor would find relevant includes the issue, ideology, representation, altruism, personal power, party loyalty, peer relationships, political future, paying-off political debts; the list is nonconclusive. It cannot be exhausted, the number of issues that determine an action can always be larger than any finite list. Children are inevitably and invariably only other factors on this long list. Usually, in fact, almost invariably, at the federal level, they are near the bottom.

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